

STATE OF OHIO, OTTAWA COUNTY
I hereby certify this to be a true copy of original on
file.

Subscribed to me this 7th day of April 2004
JoAnn D. Monnett, Clerk of Courts
By [Signature] deputy

IN THE COURT OF COMMON PLEAS
OTTAWA COUNTY, OHIO

Mark E. Mulligan as
Ottawa County Prosecutor,

Plaintiff,

vs.

Elsebeth M. Baumgartner,

Defendant.

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APR 13 2004

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Case No. 02-CVH-025

JUDGE RICHARD M. MARKUS

JUDGMENT ENTRY

FILED
COMMON PLEAS COURT
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JOAN C. MONNETT
CLERK OF COURT
OTTAWA COUNTY, OHIO

This case came for trial before the Honorable Richard M. Markus, Retired Judge recalled to service pursuant to Ohio Constitution Art. IV Section 6(C) and Ohio R.C. 141.16, and assigned by the Chief Justice to the Ottawa County Common Pleas Court for this matter. Present in Court were Plaintiff Mark Mulligan, Ottawa County Prosecuting Attorney, and Plaintiff's attorney Teresa Grigsby.

Though she received adequate notice of the duly scheduled trial, Defendant Elsebeth Baumgartner did not appear for trial. Immediately before the trial commenced the Court contacted the Defendant by telephone, and the Defendant expressly advised the Court that she would not participate in the proceedings. The case proceeded to trial, and the Court received documentary and testimonial evidence from the Plaintiff.

Based upon clear and convincing evidence, the Court finds that Defendant Elsebeth Baumgartner is, and is declared to be, a vexatious litigator as that term is defined in R.C. §2323.52(A)(3).

It is therefore ORDERED that Elsebeth Baumgartner is prohibited, without first obtaining leave of this Court, from:

- 1) instituting new legal proceedings in the court of claims, in a court of common pleas, a municipal court or a county court;
- 2) continuing any legal proceedings which she has instituted in any of the courts specified in item (1) above; and
- 3) making any application [other than an application for leave to proceed under R.C. §2323.52(F)(1)] in any legal proceeding instituted by Defendant or another person in any of the courts specified in item (1) above.

Within 30 days after the filing of this Judgment Entry, Defendant shall file her request, if any, for leave to continue the assertion of any pending claim she has in an Ohio court of common pleas, municipal court, or county court in which she is a party, which cases include (but are not limited to):

- a) Baumgartner v. Smith Case No. 01-CVC-136 (Ottawa County Common Pleas Court);
- b) Baumgartner v. Druckenmiller Case No. 01-CV-223 (Ottawa County Common Pleas Court)
- c) National Bank of Oak Harbor v. Baumgartner Case No. 01-CVE-003 (Ottawa County Common Pleas Court)
- d) National Bank of Oak Harbor v. Baumgartner Case No. CJ26-016 (Ottawa County Common Pleas Court)
- e) National Bank of Oak Harbor v. Baumgarnter Case No. 01-EX-010 (Ottawa County Common Pleas Court)
- f) Baumgartner v. Smith Case No. 02-CVC-048 (Ottawa County Common Pleas Court)

The request for leave shall be filed with the Clerk of the Ottawa County Common Pleas Court which shall forward it to the undersigned Judge assigned to this matter for ruling. Any application to continue the assertion of any claim in any Ohio common pleas, municipal, or county court must demonstrate that the proceedings or application are not an abuse of process and that there are reasonable grounds for the proceeding or application. If the Defendant fails to file such an application for any claim in any of the previously designated trial court cases within 30 days after the filing of this Judgment Entry, or if the application fails to satisfy this court that the proceedings or application are not an abuse of process and that there are reasonable grounds for the proceeding or application, this Court will dismiss any or all of the Defendant's pending claims in those cases with prejudice.

If the Defendant seeks to institute or continue any legal proceeding in a court of appeals or to make an application in any court of appeals, other than an application for leave to proceed under R.C. 2323.52(F)(2), she shall file an application for leave to proceed in the court of appeals in which the legal proceedings would be instituted or are pending, which cases include (but are not limited to):

- a) Baumgartner v. Smith Case No. 0T-03-050 (Sixth District Court of Appeals)
- b) In Re Incarceration of Baumgartner v. Sheriff Emahiser Case No. 0T-03-023 (Ottawa County Court of Appeals, Sixth Appellate District)
- c) State ex. rel. Baumgartner v. Judge Adkins, et. al. Case No. 0T-03-033 (Ottawa County Court of Appeals, Sixth Appellate District);
- d) Albrechta and Coble v. Baumgartner Case No. S-03-006 (Sandusky County Court of Appeals, Sixth Appellate District)

Pursuant to R.C. 2323.52(F)(2), the court of appeals shall not grant that application unless it is satisfied that it complies with R.C. 2323.52(F)(2).

It is further ORDERED that the clerk of the Ottawa County Common Pleas Court shall send a certified copy of this Judgment Entry to the Supreme Court of Ohio for publication in a manner that the Supreme Court determines to be appropriate and that will facilitate the clerk of the court of claims, and a clerk of a court of appeals, common pleas court, municipal court or county court in refusing to accept pleadings or other papers submitted by Defendant for filing without having obtained leave to proceed.

The clerk of the Ottawa County Common Pleas Court shall also send a certified copy of this Judgement Entry to the Ohio Court of Appeals for the Sixth Appellate District for its consideration in relation to the cases pending there in which the Defendant asserts any claim.

April 1, 2004
Date

Richard M. Markus
Judge Richard M. Markus
Retired Judge recalled to service pursuant to
Ohio Constitution Art. IV Section 6(C) and
Ohio R.C. 141.16, and assigned by the Chief
Justice to the Ottawa County Common Pleas
Court for this matter

THE CLERK SHALL MAIL TIME STAMPED COPIES OF THIS ORDER
TO PLAINTIFF'S COUNSEL AND THE PRO SE DEFENDANT
AND TO THE VISITING JUDGE